



NATRONA COUNTY

Development Department

200 North Center Street, Room 202
Casper, WY 82601

AGENDA

Natrona County Planning Commission
Tuesday February 10, 2015 – 5:30 P.M.
Commissioner's Meeting Room
200 North Center St.
Casper, WY 82601

ITEMS ON THIS AGENDA ARE SUBJECT TO A SECOND PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR FINAL ACTION. RECOMMENDATIONS BY THE PLANNING COMMISSION ON ITEMS FROM THIS AGENDA MAY BE CONSIDERED BY THE BOARD OF COUNTY COMMISSIONERS AT ITS MEETING MARCH 3, 2015 AT 5:30 P.M.

1. Election of Officers
2. Approval of the January 13, 2015 Planning Commission Meeting Minutes.
3. **ZC15-0001**- A request by Charles Scott for a **Zone Map Amendment** from the existing Ranching, Agriculture and Mining (RAM) zoning district to the Suburban Residential Two (SR-2) zoning district on a 9.3 acre parcel in the S/2 of the NE/4 of the NE/4 of Section 7, Township 31 North, Range 81 West of the 6th Principal Meridian, Natrona County, Wyoming. The property is addressed as 15235 State HWY 487.

---PUBLIC COMMENT---

4. "Public Comment" is a time when citizens may bring forth items of interest or concern that are not on the agenda. Please note that no formal action will be taken on these items during this time, due to the open meeting law provision. However, they may be scheduled on a future posted agenda, if action is required.

ADA Compliance: Natrona County fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Natrona County Development Department at (307) 235-9435 so that appropriate auxiliary aids and services are available.



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200 North Center Street, Room 202
Casper, WY 82601

MINUTES OF THE NATRONA COUNTY PLANNING COMMISSION JANUARY 13, 2015

MEMBERS PRESENT: Harold Wright, Jim Brown, Hal Hutchinson, Bob Bailey, and Tom Davis

MEMBERS ABSENT:

STAFF MEMBERS PRESENT: Jason Gutierrez, and Peggy Johnson

OTHERS PRESENT: Bill Knight

Chairman Wright called the meeting to order at 5:30 p.m.

ITEM 1

Brown moved and Bailey seconded a motion to approve the December 9, 2014 meeting minutes.

Motion carried unanimously.

ITEM 2

Chairman Wright opened the public hearing **CUP14-0011** – A request by Elkhorn Rocks, LLC, represented by David Fertig for a Conditional Use Permit to allow Aggregate Extraction in the Mountain Residential One (MR-1) zoning district, pending a zone change to Urban Agricultural (UA) zoning district. 15-acre parcel located in a portion of SE/4 of SW/4 and the NE/4 of the SW/4 of Section 36, Township 33 North, Range 79th West of the 6th Principal Meridian, Natrona County, Wyoming. (Specifically referred to as County, Wyoming. (Specifi.

Gutierrez gave the staff report. Staff proposes a motion and vote by the Planning and Zoning Commission to recommend approval, denial, or table by the Board of County Commissioners of this request for a conditional use permit to allow aggregate extraction at this location in the UA Zoning District.

Staff also recommends that the motion incorporate by reference all findings of fact set forth herein and make them a part thereof.

Discussion between Planning and Zoning Commissioners, and staff regarding the proposed Conditional Use Permit.

Public hearing open

Speaking in favor – Dave Fertig, Casper

Discussion between the Planning and Zoning Commission, staff and the applicant.

Speaking in opposition – none

Public hearing closed

Hutchinson moved approval of the Conditional Use Permit (CUP14-0011) as presented by staff including the findings of fact. Brown seconds the motion. Motion carries unanimously.

ITEM 3

Chairman Wright opened the public hearing on **CUP15-0001** – A request by Inberg-Miller Engineers (applicant) and Rocky Mountain Pipeline Systems (owner) for a Conditional Use Permit to allow bulk storage of flammable and combustible liquids in excess of 12,000 gallons, being construction of two (2) new 150,000 barrel crude oil tanks in existing tank berms within the boundaries of the former Amoco Tank Farm in the Light industrial zoning district. Located in the S/2 of the SW/4 of the SW/4 of Section 5, Township 33 North, Range 79 West of the 6th Principal Meridian, Natrona County, Wyoming.

Gutierrez gave the staff report. Staff proposes a motion and vote by the Planning and Zoning Commission to consider the request and recommend approval, denial or tabling by the Board of County Commissioners of this conditional use permit allowing outdoor storage of flammable.

Staff recommends that the motion incorporate by reference all findings of fact set forth herein and make them a part thereof.

Public hearing open

Those speaking in favor – Thad Hunter, Casper and Drew Engstrom, Casper

Those speaking in opposition – Jolene Martinez, Casper

Discussion between Planning and Zoning Commissioners, the applicant and staff regarding the proposed Conditional Use Permit.

Brown moved approval of the Conditional Use Permit (CUP15-0001) as presented by staff including the findings of fact. Bailey seconds the motion. Motion carries unanimously.

Public comment – None

Commissioner Bailey motioned to adjourn meeting at 6:20 p.m. Commissioner Davis seconded the motion. Motion carries.

Harold Wright, Chairman
Natrona County Planning and Zoning Commission

Renea Vitto
Natrona County Clerk

DRAFT

ZONE CHANGE APPLICATION

(Please read GENERAL INFORMATION AND APPLICATION INSTRUCTIONS before filling out)

I (We), the undersigned, do hereby petition the Board of County Commissioners of Natrona County, Wyoming; as provided in Section 18-5-201 to 18-5-207, inclusive, of the Wyoming State Statutes, 1977, as amended, and as provided in the 2000 Natrona County Zoning Resolution, to rezone the following described real property:

FROM: RAM

TO: SUBURBAN RESIDENTIAL 2

Applicant:

Owner:

1. Name CHARLES SCOTT Name BATES CREEK CATTLE CO.
2. Address 13900 ST HWY 487 Address 13920 ST. HWY 487, CASPER WY
3. Phone (307) 473-2572 Phone (307) 473-7418
4. Legal description and size of property (If within a platted subdivision, give subdivision name, block and lot number. If not within a platted subdivision, give quarter-section, section, township and range). ~~T31N R81W SEC 7~~
S1/2, NE 1/4, NE 1/4, SEC 7 T31N R81W
~ 9.3 ac.
5. Common description of the property to be rezoned (street address and location description):
15235 STATE HWY 487
CASPER WY 82604
6. Type of sewage disposal: Public ☐ Septic ☒ Holding Tank ☐ Other ☐
7. Source of Water WELL
8. This property was purchased from: JOHN TOBIN
9. The date this property was purchased: 1971

I (We) hereby certify that I (We) have read and examined this application and know the same to be true and correct to the best of my (our) knowledge. Granting this request does not presume to give authority to violate or cancel the provisions of any other State or local laws. Falsification or misrepresentation is grounds for voiding this request, if granted. All information within, attached to or submitted with this application shall become part of the public record. I (We) further understand that all application fees are non-refundable.

Applicant: Charles H. Scott Date: Dec. 18, 2014
(Signature)

Baker Creek Cattle Co. Inc.
Owner: Charles H. Scott, Pres. Date: Dec. 18, 2014
(Signature)

REQUEST FOR ZONE MAP AMENDMENT

ZC15-0001

STAFF REPORT

February 4, 2015

FOR

February 10, 2015 PLANNING AND ZONING COMMISSION MEETING

GENERAL INFORMATION:

PETITIONER	Bates Creek Cattle Company (Owner), represented by Charles Scott (Applicant)
REQUEST	Zone change from Ranching, Agricultural and Mining (RAM) zoning to Suburban Residential Two (SR-2) zoning.
EXISTING LEGAL DESCRIPTION	Currently described as a portion of the S ½ of the NE ¼ of the NE ¼ of Section 7, Township 31 North, Range 81 West of the 6 th Principal Meridian, Natrona County, Wyoming.
PARCEL ACREAGE	Approximately 9.3 Acres.
LOCATION	15235 State Highway 487, Casper, WY 82604 Approximately 13 miles from City of Casper limits
SURROUNDING ZONING	
North	Ranching, Agricultural and Mining (RAM)
South	Suburban Residential Two (SR-2)
East	Ranching, Agricultural and Mining (RAM)
West	Ranching, Agricultural and Mining (RAM)
PUBLIC UTILITIES	Private well and septic system
DATE OF APPLICATION	December 18, 2014
REVIEWED BY	Gene Wallace

GENERAL STANDARDS FOR ZONE MAP AMENDMENTS

Definition: An applicant must demonstrate that at least one of the following criteria is met for the approval to be consistent with the Zoning Resolution:

- (1) Is necessary to come into compliance with the Natrona County Development Plan.
- (2) Existing zoning of the land was the result of a clerical error.
- (3) Existing zoning of the land was based on a mistake of fact.
- (4) Existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage.
- (5) The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area.
- (6) Proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Natrona County Development Plan.

Criteria 1: Is necessary to come into compliance with the Natrona County Development Plan?

The subject property is within Area K – Bates Creek of the 1998 Land Plan. Applicable notes for this area include: BLM identified sensitive drainage of Bates Creek, Recommended land use is Grazing, Recommended Zoning is RAM, and Development Plan is “ Maintain grazing and agriculture, be aware of bentonite and uranium claims and useable sand and gravel along Bates Creek” with a BLM management emphasis on Grazing and wildlife.

The most notable information in this section is the purposeful exclusion of increased residential growth. The 1998 land plan does not recommend residential growth in this area. Proposed recent efforts to update the land plan also do not recommend high density subdivisions where annexation is not possible.

Proposed finding of fact: Rezoning approximately 9.3 acres into SR-2 at this location is not necessary to come into compliance with the Natrona County Development plan.

Criteria 2: Existing zoning of the land was the result of a clerical error?

Criteria 3: Existing zoning of the land was based on a mistake of fact?

There is no evidence that this zoning was a result of a clerical error or mistake of fact. When evidence is absent, we must presume the zoning was intentional. The adjacent SR-2 subdivisions were approved approximately 10 years prior. With multiple subdivisions existing for a decade prior it is interpreted that the land plan was intentional in not recommending additional residential in this area.

Proposed finding of fact: The existing zoning is not a result of a clerical error or a mistake of fact.

Criteria 4: Existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage?

The existing zoning did take into account constraints by recommending continued grazing and agriculture. Current parcel is connected to a 10,000+ acre parcel and employee housing supports such use. Another issue is the fact that the State Highway 487 divides this property creating this 9.3 acre lot. This condition existed during the creation of the 2000 zoning ordinance. It is also presumed that if residential was desirable this area would have been rezoned into residential zoning.

Proposed finding of fact: The existing did take into account natural characteristics.

Criteria 5: The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area?

The surrounding environs have not changed since the adoption of the land plan. No significant subdivisions have occurred. Several of the existing lots have been developed and increased housing demands county wide have occurred. As a result of County wide growth Natrona County did propose rezoning large sections of RAM into Urban Agricultural. An open house was conducted and significant opposition was received from large land owners who wished to preserve the RAM zoning. The voicing to maintain RAM zoning reinforces the presumed stance of the 1998 land plan to not recommend residential growth.

Proposed finding of fact: The surrounding environs has not changed since the land plan.

Criteria 5: Proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Natrona County Development Plan?

There has not been any established need this rezoning would address.

Proposed finding of fact: There has not been an identified community need this rezone would address.

Staff understands the purpose of this application was to sell a small portion of land that does not significantly contribute to the Bates Creek Cattle Co. Bates Creek Cattle can sell this portion of land but under RAM zoning an additional 25 acres would need to be included. Creating SR-2 in this location could potentially result in four additional home sites where the land plan has not recommended growth and would create a land locked portion of RAM zoning surrounded by commercial and SR-2 for future consideration.

The Natrona County Zoning Resolution provides for 13 zoning districts. Within these districts the RAM is the least restrictive allowing the most uses with a minimum lot size of 35 acres, while the SR-2 zoning is significantly more restrictive allowing down to 2 acre lots.

PUBLIC COMMENT:

To date, the Natrona County Development Department has received no public comment regarding the zone change proposed hereunder.

STAFF REVIEW:

Staff proposes a motion and vote by the Planning and Zoning Commission to recommend denial or tabling by the Board of County Commissioners of the proposed zone change from Ranching, Agricultural and Mining (RAM) to Suburban Residential Two (SR-2) zoning district.

Staff also recommends that the motion incorporate by reference all findings of fact set forth herein and make them a part thereof.

SITE PLAN FOR
15235 STATE HWY 487
CASPER, WY 82604

HWY 487

HWY 220

NORTH

SCALE

500' 250' 0'

OVERHEAD
POWER LINE

WELL

30'X70' HOME

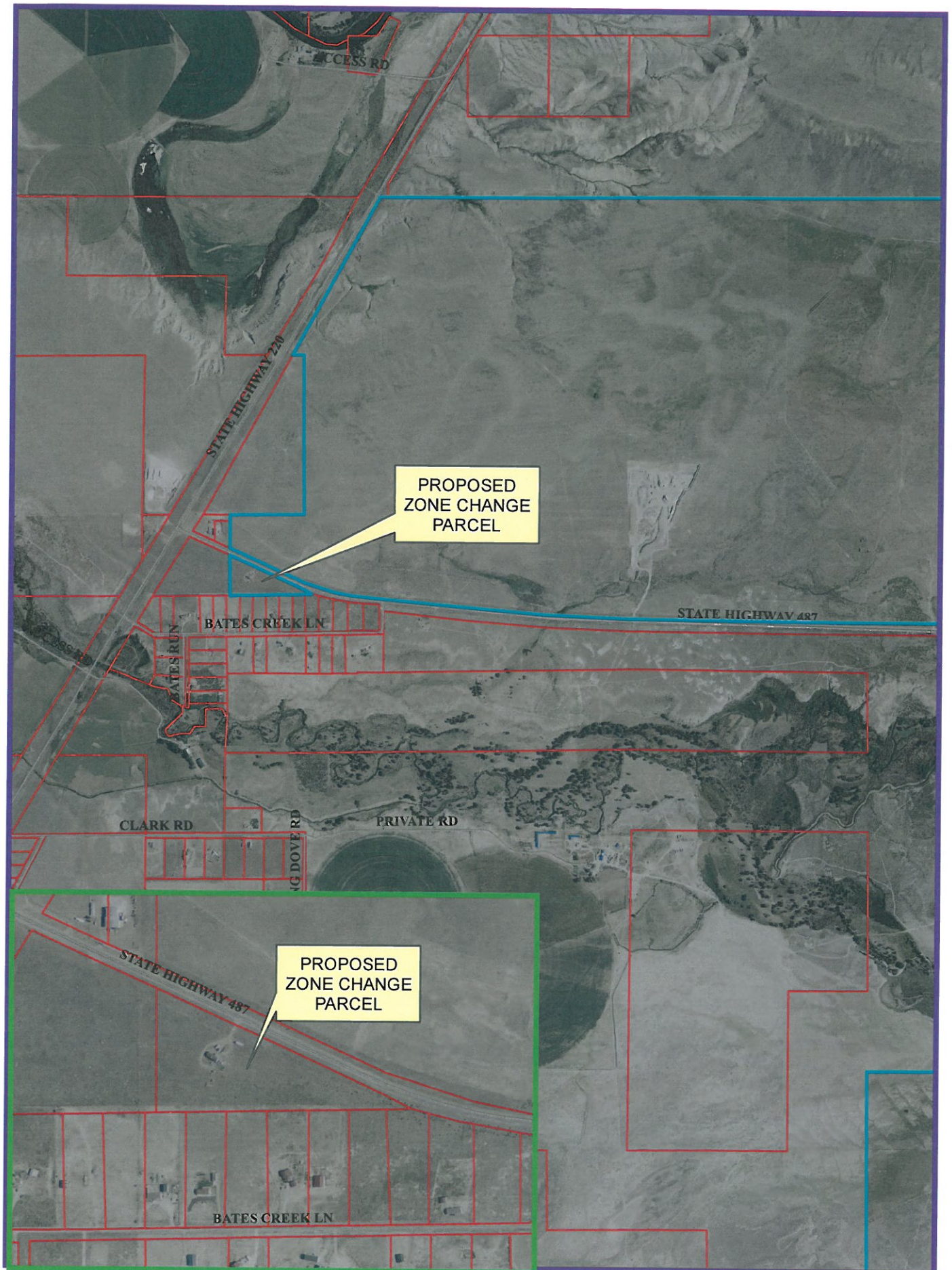
BURIED WATER
AND POWER TO
HOME

616'

1317'



BATES CREEK CATTLE COMPANY - RAM TO SR-2



BATES CREEK CATTLE COMPANY - RAM TO SR-2

